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FEDERAL ELECTION
COMMISSION
SECRETARIAT

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

2002 AUG 15 P 3:16
CASE CLOSURES UNDER
ENFORCEMENT PRIORITY SYSTEM**SENSITIVE**

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

The cases listed below have been evaluated under the Enforcement Priority System ("EPS") and identified as low priority, stale, or ADR transfers. This report is submitted in order to recommend that the Commission no longer pursue these cases for the reasons noted below.

II. CASES RECOMMENDED FOR CLOSURE**A. Cases Not Warranting Further Action Relative to Other Cases Pending Before the Commission**

EPS was created to identify pending cases that, due to the length of their pendency in inactive status, or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditures of resources. Central Enforcement Docket ("CED") evaluates each incoming matter using Commission-approved criteria that result in a numerical rating for each case.

Closing

these cases permits the Commission to focus its limited resources on more important cases presently pending in the Enforcement docket. Based upon this review, we have identified cases that do not warrant further action relative to other pending matters. We recommend that all cases be closed.¹ Attachment 1 to this report contains a factual

¹ These cases are: RR02L-03 (15th District Democratic Party); MUR 5242 (Michigan Democratic State Central Committee); MUR 5243 (Oberweis for US Senate, Inc.); MUR 5244 (Skorski for Congress); MUR 5250 (NRCC Economic Recovery Workshop); MUR 5254 (Hampden-Sydney College); MUR 5257 (Tom Feeney); and MUR 5258 (Tom Feeney for Congress).

22-04-406-0251

summary of each case recommended for closure, the case EPS rating, and the factors leading to the assignment of a low priority.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources primarily because the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. EPS provides us with the means to identify those cases that, remain unassigned for a significant period due to a lack of staff resources for an effective investigation. The utility of commencing an investigation declines as these types of cases age, until they reach a point when activation of such cases would not be an efficient use of the Commission's resources.

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend that cases be closed³ and one case continued to be held open.⁴

³ These cases are: MUR 5036 (*National Education Association*); MUR 5037 (*National Education Association*); MUR 5086 (*Federation for American Immigration Reform*); and MUR 5191 (*Democratic State Central Committee*)

⁴ MUR 5042 (*DNC Services Corporation*) is closely related to MURs 4530 (*DNC*), 4531 (*DNC*), 4642 (*DNC*), and 4547 (*John Huang*) presently pending before the Commission, and dismissal at this time seems inappropriate.

22-04-406-0252

22-04-406-0253

IV. RECOMMENDATIONS

OGC recommends that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the day that the Commission votes on the recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

1. Decline to open a MUR, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letter in:

RR02L-03

2. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

MUR 5086

MUR 5242

MUR 5250

MUR 5258

MUR 5036

MUR 5191

MUR 5243

MUR 5254

MUR 5037

MUR 5244

MUR 5257

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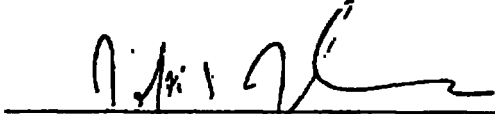
Date



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22-04-406-0254

MUR 5257

Complainant: Bob Poe, Chairman of the Florida Democratic Party

Respondents: The State of Florida
Republican Party of Florida
Tom Feeney for Congress and Nancy Watkins, as Treasurer
Bridget Gregory
Tom Feeney

Allegations: Complainant, Bob Poe, Chairman of the Florida Democratic Party, alleged that Tom Feeney, Speaker of the Florida House of Representatives, accepted in-kind contributions when he allowed a state employee, Bridget Gregory, to work on his congressional campaign during regular state office hours. Additionally, the complainant alleged that state office equipment such as computers and cellular phones were used to conduct and organize fundraising activities for the Tom Feeney for Congress Committee.

Responses: Tom Tedcastle, General Counsel for the Florida House of Representatives, replied on behalf of the state of Florida and stated that Ms. Gregory met all the requirements for employment as a legislative analyst in the state of Florida. Mr. Tedcastle further responded that Ms. Gregory took unpaid leave while working on Speaker Feeney's federal campaign, and that the state of Florida had no evidence that Ms. Gregory conducted fundraising activities while working in Speaker Feeney's official state office suite based on a review of her phone records and e-mails. Thus, Mr. Tedcastle concluded that the state of Florida did not violate the Federal Election Campaign Act ("Act").

The Republican Party of Florida responded that the complaint failed to allege it violated any provision of the Act.

Counsel for Tom Feeney for Congress and Nancy Watkins, as treasurer, Bridget Gregory, and Tom Feeney responded that the complaint failed to allege any violations of the Act and that it misstated the facts. Moreover, the response noted that Ms. Gregory was paid by the Tom Feeney for Congress Committee, and not by the state, when she conducted campaign business. Furthermore, Ms. Gregory properly accounted for the time she spent at both the legislative and the campaign offices.

This matter is less significant relative to other matters pending before the Commission.

22-04-406-0255